1 2 3 4 5 6 7 8	KEVIN V. RYAN (CSBN 118321) United States Attorney JAY R. WEILL (CSBN 75434) Assistant United States Attorney Chief, Tax Division CYNTHIA STIER (DCBN 423256) Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-7000 Facsimile: (415) 436-6758 Email: cynthia.stier@usdoj.gov Attorneys for the United States of America UNITED STATES DISTR	CICT COURT FOR THE	
	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11	JOSEPH R. BANISTER,) No. C-06-80153-JW	
12 13	Petitioner,)) STIPULATION OF PARTIES) TO DISMISS ACTION AND) [PROPOSED] ORDER	
14 15	v.) I KOT OSED OKDEK	
16	UNITED STATES OF AMERICA,		
17	Respondent.		
18			
19	The parties agree, subject to the Court's approval, as follows:		
20	1. On May 17, 2006, the Internal Revenue Service served an administrative		
21	summons on Alliance Credit Union for documents and/or information pertaining to tax matters		
22	of petitioner with respect to the 2002, 2003 and 2004 tax years.		
23	2. Petitioner commenced this action by filing a Petition to quash the IRS summons		
24	described in paragraph 1, above.		
25	3. The United States filed its opposition to the petition to quash and moved to		
26	enforce the administrative summons described above.		
27	4. The administrative summons described above should be quashed with respect to		
28	the 2002 tax year.		

Case 5:06-mc-80153-JW Document 12 Filed 10/02/06 Page 2 of 3

1	5. The administrative summons, described above, should be enforced with respect t		
2	the 2003 and 2004 tax years.		
3	6. That this action should be dismissed pursuant to Rule 41(a) of the Federal Rules		
4	of Civil Procedure.		
5			
6	IT IS SO STIPULATED:		
7			KEVIN RYAN
8			United States Attorney
9			
10	DATED: Sept	tember 27, 2006	/s/ Cynthia Stier
11			CYNTHIA L.STIER Assistant United States Attorney Attorney for the United States of America
12			Attorney for the Officer States of America
13			
14			ROBERT G. BERNHOFT LAW OFFICES
15			
16	DATED: Sept	tember 26, 2006	/s/ Robert E. Barnes ROBERT E. BARNES
17			Attorney for Petitioner JOSEPH R. BANISTER
18	//		JUSEPH R. BANISTER
19	//		
20			
21			
22			
23			
24			
25			
26			
27			
28			

ORDER

PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED:

- That the administrative summons issued to Alliance Credit Union on or about May 17, 2006, for documents and/or information pertaining to tax matters of petitioner with respect to the 2002, 2003 and 2004 tax years, is quashed as it pertains to 2002 tax year;
- 2. That the summons is enforced with respect to the 2003 and 2004 tax years.
- 3. That this action is dismissed pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure.

ES DISTRICT JUDGE

Dated: 10/02/06